

RESTRICTION

In the Office Action mailed February 7, 2007, the Examiner has required that the Applicant elect one of the following groups for examination:

Group	Claims	Examiner's Description	Classification
Group I	35-31, 40-45, and 52	"drawn to a memory system with memory clusters each multiplexing data to internal blocks"	Class 711 Subclass 100
Group II	46-51	"drawn to a memory system with multiple clusters each with buses coupled to bus keeper"	Class 711 Subclass 100

PROVISIONAL ELECTION WITH TRAVERSE

Applicants provisionally elect, with traverse, to prosecute the claims of **Group I**, which corresponds to claims 25-31, 40-45, and 52. The Applicant has withdrawn the remaining claims, claims 46-51.

REQUEST FOR RECONSIDERATION OF RESTRICTION REQUIREMENT

As set forth above, Applicants provisionally elect to prosecute the claims of Group I. However, Applicants traverse the requirement for restriction and, pursuant to 37 C.F.R. § 1.143 and M.P.E.P. § 818.03, Applicants request reconsideration of this restriction requirement.

Case Status – Initially, Applicant would like to note that the present application has already been the subject of a prior restriction that has required the division of the

application into multiple divisional applications. The present restriction is requesting a further division of a divisional application, and an application that has already been the subject of one office action.

The further division of this application thus will require the Applicant to incur significant and unnecessary expense to prosecute claims that should be considered in the present case.

Claims – It is submitted that the descriptions of the groups do not accurately describe the claims, and the election is thus based on a distinction that does not actually exist.

Independent claim 25, classified in Group I, relates to

25. A memory in an integrated circuit to conserve power comprising:
a plurality of memory clusters, each of the plurality of memory clusters including
- one or more memory blocks to store data, and
 - an output multiplexer coupled to the one or more memory blocks, the output multiplexer to output data from one of the one or more memory blocks out of the memory cluster;
 - a memory controller to receive addresses to the memory and control the flow of data into and out of the memory; and
 - a plurality of buses and control lines coupled between the plurality of memory clusters and the memory controller to propagate address and data there-between and to control the activity of the plurality of memory clusters.

Thus, the elements that are present are “a plurality of memory clusters”, “a memory controller”, and “a plurality of buses and control lines coupled between the plurality of memory clusters and the memory controller”. In particular, the memory controller is “to

receive addresses to the memory and control the flow of data into and out of the memory”. Within this memory, each memory cluster has one or more memory blocks and an output multiplexer coupled to the memory blocks to output data from one of the memory blocks. The Office Action has described this as “a memory system with memory clusters each multiplexing data to internal blocks”. The meaning of the Office Action description is not clear to Applicant, but it does not appear to accurately describe the claim elements.

Claim 46 (now withdrawn), classified in Group II, provides the following:

46. A memory in an integrated circuit to conserve power, the memory comprising:
- a memory array organized into one or more memory clusters;
 - a memory controller coupled to the memory array, a memory data input bus, and a memory data output bus, the memory controller to receive addresses for selected memory cells of the memory array, to control the flow of input data from the memory input bus into the one or more memory clusters, to control the flow of output data from the one or more memory clusters, and to control the activity of the one or more memory clusters to conserve power;
 - a plurality of data input buses coupled between the memory controller and the memory array; and
 - wherein the memory controller includes a plurality of bus state keepers coupled to the plurality of data input buses.

Thus the basic elements of claim 46 are “a memory array organized into one or more memory clusters”, “a memory controller”, and “a plurality of data input buses coupled between the memory controller and the memory array”. The memory controller is “to receive addresses for selected memory cells of the memory array, to control the flow of input data from the memory input bus into the one or more memory clusters, to control

the flow of output data from the one or more memory clusters, and to control the activity of the one or more memory clusters to conserve power”. In this system, the memory controller further includes “a plurality of bus state keepers coupled to the plurality of data input buses”. Rather than recognize the basic elements, the Office Action describes Group II as “a memory system with multiple clusters each with buses coupled to a bus state keeper”. Again, the description submitted in the Office Action does not appear to accurately describe the elements of the claims, and it is submitted that the Office Action ignores the true relationships between the claim elements.

It is respectfully submitted that the Office Action has provided inaccurate descriptions of the claims. These descriptions cannot properly describe a combination and subcombination, as stated in the Office Action, since the Office Action does not describe the claims accurately.

It is submitted that the Office Action does not properly describe a distinction allowing restriction.

Burden on the Examiner – Further, as set forth in M.P.E.P. § 803, for a proper restriction there must be both independence or distinctiveness and a serious burden on the Examiner if restriction is not required. It is respectfully submitted that no such burden is present here.

In particular, no separate classification, separate status in the art, or different field of search as defined is required, as provided in MPEP § 808.02. The suggested classifications of the claim groups are both class 711, subclass 100. The Office Action does not identify any separate status in the art, or provide any reason to believe that a different field of search is required.

The Applicant respectfully asserts that the present case does not appropriately present a serious burden on the Examiner, and thus restriction is not proper.

CONCLUSION

The Applicant respectfully requests that the restriction in the present case be reconsidered, and that the withdrawn claims be rejoined.

It is submitted that the Applicant has addressed all issues presented in the current Office Action. Any questions regarding this provisional election and request for reconsideration may be directed to the Applicant's undersigned attorney.

Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (503) 439-8778 if there remains any issue with allowance of the case.

Request for an Extension of Time

The Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) if needed. Please charge the fee for such extension to our Deposit Account No. 02-2666.

Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: March, 7, 2007

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